

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:18-cr-0167-RLY-DML
)	
JAMES N. GROOMS,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On October 2, 2018, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on September 19, 2018. Defendant Grooms appeared in person with his appointed counsel Michael Donahoe. The government appeared by Steve DeBrotta, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Grooms of his rights and ensured he had a copy of the Petition. Defendant Grooms orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Grooms admitted violation numbers 1, 2, and 3 as set forth in the Petition. [Docket No. 10.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

On August 21, 31, and September 6, 2018, Mr. Grooms submitted urine samples which tested positive for Cannabinoids. He admitted ingesting the substance on or about July 28, 2018, and claims his sample from September 6, 2018, is residual. The sample was sent to Alere Laboratory where it was confirmed as positive for Cannabinoids.

As previously reported to the Court, on June 15, 22, 26, July 10, 23, and August 2, 2018, the offender submitted urine samples which tested positive for Cannabinoids. He admitted smoking marijuana.

Additionally, the offender has failed to show for 41 random drug tests between May 30, 2018, and September 18, 2018.

- 2 **“The defendant shall participate in a drug aftercare treatment program under a co-payment plan which may include testing for the detection of drugs of abuse at the direction and discretion of the probation officer.”**

On May 7, 2018, Mr. Grooms was referred for drug treatment at the Volunteers of America, and attended a substance abuse assessment. He has failed to report for any drug treatment sessions as required.

- 3 **“You shall participate in a cognitive behavioral program, such as Moral Reconciliation Therapy (MRT), at the direction of the probation officer and abide by the rules of the program.”**

On August 17, 2018, the probation officer provided the MRT group information to the offender. On August 21, and 28, 2018, he failed to attend the group sessions. On September 4, 2018, he reported over and [sic] hour late, but was provided with the instructional materials and advised of date and time of next group. On September 11, and 18, 2018, he failed to attend the group sessions.

4. The Court finds that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is VI.


- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.

5. The parties jointly recommended a sentence of eight (8) months incarceration with no supervised release to follow. Defendant requested placement at FCC Terre Haute, Indiana or another suitable facility closest to Indianapolis, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in the Petition, and recommends that his supervised release be revoked, and that he be sentenced to the custody of the Attorney General or his designee for a period of eight (8) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge further recommends that Defendant be recommended for placement at FCC Terre Haute, Indiana or another suitable facility closest to Indianapolis, Indiana.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 10 OCT 2018



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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